

**Minutes
Council/RDA Meeting
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, October 20, 2008
4:00 PM - Room B-8
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**An audio recording of the 4:00 PM portion of this meeting
and a video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agendas/**

4:00 PM - COUNCIL CHAMBERS

CALL TO ORDER

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency to order at 4:00 p.m. in the City Council Chambers.

CITY COUNCIL ROLL CALL

Present: Hansen, Hardy, Bohr, Cook, Coerper, Green (arrived at 4:08), and Carchio
Absent: None

PLANNING COMMISSION ROLL CALL

Present: Livengood (arrived at 4:13), Burnett, Farley, Shaw (arrived at 4:09),
Dwyer (arrived at 4:24), Speaker, and Scandura
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced a late communication received on Study Session Item No. 1 following distribution of the City Council Agenda packet:

Communication submitted by the Planning Department, undated color brochure, entitled *Beach and Edinger Corridors Specific Plan Vision Statement*.

PowerPoint presentation submitted by Freedman Tung and Bottomley entitled *The Beach and Edinger Corridors Specific Plan, Public Review Draft Orientation Session*, dated October 20, 2008.

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - None.

JOINT STUDY SESSION - CITY COUNCIL/PLANNING COMMISSION

1. Beach and Edinger Corridor Specific Plan: A Presentation was given by Freedman, Tung, and Bottomley (FTB) to Introduce the Beach and Edinger Corridors Specific Plan Document. Discussion included the Primary Contents of the Document.

City Administrator Fred Wilson introduced consultant Michael Friedman with Freedman Tung and Bottomley, who provided a PowerPoint presentation entitled "The Beach and Edinger Corridors Specific Plan, Public Review Draft Orientation Session." The presentation outlined the following key concepts: Corridor Specific Plan Team, Background of Key Concepts for the Revitalization and Replanning of the Downtown Plan Area, Overview of the Planning Process (Phases I, II, and III), Plan Review and Revision Process (Draft I, II and III), Plan Organization (Community Intent, Development Code, and Public Improvements) and Specific Plan Area and Strategy. The presentation included a breakdown of Community Intent (objectives, revitalization strategy, Harness Market Demand, pattern of City centers, market demand analysis, framework, intended plan outcomes); breakdown of Development Code (conventional zoning, centers and segments, development standards and regulations, building use regulations, special use configurations, frontage/street regulations, open space and parking regulations, architectural character guidelines); and a breakdown of Public Improvements (circulation, public facilities, infrastructure).

Discussion ensued about density requirements. Council questioned why the proposal identifies density figures below what are required for new development. Consultant Friedman explained that the proposal identifies minimum figures within a range. He discussed how consistent building is preferred in relation to large dwellings located on a 2-lane versus 4-lane highway. Council questioned minimum versus maximum density. Consultant Friedman recommended that the Council control project scale (minimum height, width, character, not unit size), and allow the market to drive density.

Discussion ensued on the Specific Plan Strategy, including supporting the retention and expansion of auto dealerships. Consultant Friedman described walkability (coordinating access) between two adjacent properties, and discussed smaller block patterns in relation to corridors. Discussion ensued on how the Specific Plan Strategy will connect the four identified projects (Railroad, Murdy Commons, Rip Curl, and the Bella Terra), traffic (foot, bike, car), and corridors.

Questions were raised on why the proposal does not identify a specific site for a mass transit location. Consultant Friedman explained that a development pattern will justify need for a mass transit service site, subsequently establishing a need for funding. He also discussed recommendations for a Rail Center at Five Points, and how land use and transportation patterns must make sense.

The Council voiced concerns about quality in relation to affordable units. Consultant Friedman discussed how prices and the building code set quality standards and protect the market value of development. Consultant Friedman reminded the Council that they can require the developer to build minimum size units, but advised against it.

Council inquired when the entitlement process would near completion. Staff identified Spring 2009 as a target for the proposal to be heard by the Planning Commission, and Summer 2009 for consideration by the City Council. Staff also stated it would provide follow-up on dates that Council would consider others projects such as Rip Curl or Murdy Commons.

Concerns resurfaced on density, the strain it puts on a community, and how to set aside areas for parks. Consultant Friedman referred to charts that identify what must be realized in park space without identifying specific areas, and indicated that large-scale open space is beyond the purview of the plan.

Consultant Friedman discussed what would be built at the edge of the corridor, including four stories along Edinger street, graduated to 6 to 8 inside the development. Discussion ensued about graduated stories viewed from various locations, including Goldenwest College, and Consultant Friedman ensured that Council will have the purview to design graduation of stories.

Council raised concerns relating to cut-through traffic, describing occurrences in other neighborhood developments in town. Consultant Friedman described the alternative routes that will be available in the area, eliminating the need to drive onto Edinger to gain access into the proposed project.

Consultant Friedman spoke about types of developments in dense areas that invite crime, explaining why it is necessary to design residential development to be viewed as beautiful and safe, with quality features, complimentary and competitive with surrounding cities.

Discussion ensued about how the proposed project will be affected by the Rip Curl and Murdy Commons proposals. Consultant Friedman discussed use of the draft Specific Plan to review outstanding projects, pointing to Book 1 (existing), with the same vision that applies to projects in process.

RECESS TO CLOSED SESSION

A motion was made by Coerper, second Bohr to recess to Closed Session The motion carried by the following roll call vote:

AYES:	Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio
NOES:	None

CLOSED SESSION

2. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following potential lawsuit: Whether the City Attorney should be directed to file a lawsuit.

3. Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Deputy City Administrator Bob Hall, regarding negotiations with the Huntington Beach City School District for the purchase or exchange of up to 10.12 acres of real property located at 20451 Craimer Lane in Huntington Beach and the purchase, sale or exchange of APN 114-150-94 in the City of Huntington Beach.

4. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Administrator; Paul Emery, Deputy City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; Dan Vilella, Finance Director; and Duane Olson, Fire Chief, regarding labor negotiations with FMA.

5. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Barbara L. Agee, et al. v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 06CC00125. This suit concerns the affordability covenant for the Cape Ann subdivision located near the intersection of Main Street and Promenade.

6. Pursuant to Government Code Section 54956.9, the City Council recessed into Closed Session to confer with the City Attorney regarding the following lawsuit: Cora Hill v. City of Huntington Beach, Orange County Superior Court Case No. 30-2008 00104457. This suit concerns a slip-and-fall accident that occurred at 22021 Susan when Plaintiff stepped into a puddle of water in the drainage ditch. Plaintiff is deceased.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Cook reconvened the regular meeting of the City Council/Redevelopment Agency at 6:24 p.m. in the City Council Chambers.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

CITY COUNCIL ROLL CALL

Present: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio.
Absent: None

PLEDGE OF ALLEGIANCE - Led by Councilmember Green.

INVOCATION - Led by Councilmember Coerper.

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced a communication received by her office following distribution of City Council agenda packet relating to Agenda Item No. 13:

Communication submitted by Scott Hess, Director of Planning, dated October 20, 2008 entitled *Request for a Continuance - Appeal of Planning Commission's Approval (Towers at Bella Terra Parking Control Gates)*.

AWARDS AND PRESENTATIONS

7. Presentation - Mayor Cook called on the Huntington Beach Art Center Foundation Chair Mike Adams, and Honorary Chair Diana Casey, to recognize a contribution from Dr. and Mrs. Gerald Chapman as a match for the Huntington Beach Art Center Foundation's Endowment Program. Diana Casey recognized past City Councilmembers Ralph Bauer, Shirley Dettloff, Peter Green, and Dave Sullivan who helped make a vision for an Art Center downtown become a reality. Ms.

Casey described how the Art Center is enjoyed by people of all ages and from various locations, and how Dr. and Mrs. Gerald Chapman approached the Foundation and generously offered to match funds up to \$25,000 to establish an endowment program for the Foundation.

Dr. Chapman discussed his involvement in the Art Center, and the decision he and his wife made to offer endowment funds for the Art Center Foundation. He presented a check in the amount of \$25,000 to Mike Adams, discussed how the Art Center serves as an anchor on the northern end of the downtown, and described his hopes that the City will reconsider designating the northern downtown area as "Celebration Plaza" to change the environment and attract other elements.

8. Presentation - Mayor Cook called on members of the Huntington Beach Council on Aging to report on the 2008 Senior Saturday Festival and present the City with new equipment for the Emergency Operations Department at the Michael E. Rodgers Seniors' Center.

Mayor Cook called on Bob Dettloff, representing the Huntington Beach Council on Aging. Mr. Dettloff described the Council's close work with Senior Services and how funds exceeding \$43,000 were raised at the Senior Saturday Community Festival. He thanked Fountain Valley Regional Hospital, Orange Coast Medical Center and Huntington Beach Hospital and announced that the Council on Aging is donating two portable Honda generators for use at the Michael Rodgers' Senior Center and Senior Outreach Center, a donation valued at \$6,000, in addition to \$23,000 previously donated by the Council to help fund an Assistant Social Worker position at the Senior Outreach Center. He concluded by stating the Council's mission to continue to enhance the dignity and quality of life for seniors in the community.

9. Mayor's Award - Mayor Cook called on Police Chief Ken Small to present the Mayor's Award to Detention Administrator Dale Miller.

Police Chief Ken Small recognized Detention Administrator Dale Miller as recipient of the Mayor's Award. Chief Small described Administrator Miller's service since 2004 managing the Huntington Beach Jail, the "Pay-N-Stay" program, his oversight of 19 staff members and a \$3M/year budget. Chief Small also indicated that 5,242 individuals were booked through the Jail last year, and how Administrator Miller consistently receives outstanding reviews for annual inspections. Chief Small spoke of Administrator Miller's family, his 24-year affiliation as an Air Force Reserve Colonel, and his experiences in running a Jail Camp in Boca, Iraq resulting in his recognition by CNN and receiving a bronze star for exceptional service.

PUBLIC COMMENTS (3 Minute Time Limit)

(The numbers following speakers' comments reflect the approximate point in time in the archived video the speaker appears at <http://www.surfcity-hb.org/government/agendas>)

City Clerk Flynn indicated that Agenda Item Nos. 12 and 13 are being recommended for continuance to November 3, 2008.

Christine Hansen, Cape Ann resident, stated her opinion of what she considers to be unfair restrictions included in the Cape Ann condominium affordable housing program. She discussed how the rules and guidelines have changed without fair disclosure to the existing homeowners, and addressed all Councilmembers individually on the program's resale formula, property owner's inexperience in understanding real estate and development law, and being unaware that transfer of property to family members upon death could only occur if recipients met affordable income requirements. She also requested their support and compassion, asking that the City hold a workshop with homeowners and their respective attorneys. (00:15:52)

Danica Kennedy, Cape Ann resident and high school senior, spoke to Council about her community involvement and the City's affordable housing program. She voiced concerns about the program's restrictions related to property inheritance, and her perception that local government is working against its citizens. She urged Council to do the right thing and eliminate unfair restrictions in the program. (00:18:58)

Susan Gottfried, Cape Ann resident, described how a high-risk pregnancy caused her to temporarily relocate from her 3-story condominium, and how the City would not make an exception to her request to rent the property until she and her triplets could return home. She also discussed her conversations with interested parties for sale of the home, but the strict guidelines made it impossible for buyers to qualify for purchase. She also stated rules and guidelines changed without notice to property owners, and urged Council to consider changes to the program that would allow her to sell her home. (00:20:53)

Helen Brock, Cape Ann resident, voiced concerns related to the affordable housing program and its restrictions on transferring upon death the owner's property to family members who may not meet affordable income requirements. She spoke of circumstances that brought her family into Huntington Beach, and referred to what she called a "secret" resale formula that ties property value to interest rates. She complained that she was never educated on the guidelines behind the program, and stated her opinion that the program holds seniors and young families hostage, requesting that the Council do the honorable thing and revise the strict guidelines identified within the program. (00:22:53)

Councilmember Hansen asked the speaker to identify the primary factors behind purchasing an affordable unit, versus an unrestricted home within the City. Speaker Brock identified a discounted price and property features that complimented senior living, and spoke of upgrades that made the final sale price increase close to what unrestricted properties in the area were selling for at the time.

Jennifer Pineda, Cape Ann resident, voiced concerns about the affordable housing program restrictions and described the difficulty she and her husband have experienced in selling the property for a profit. She also stated her displeasure with the inheritance restrictions, what happens when you put the property into a trust, and how \$10,000 in upgrades did not bring increased value to the property. She described the resale formula as flawed, and urged the Council to change the program. (00:26:28)

J. R. Brock, Cape Ann resident, voiced concerns about the affordable housing program and described how sales representatives only provided education on buyer restrictions, not those that apply upon inheritance by family members. He discussed his lack of knowledge of a "mystery" resale formula that establishes property value based on interest rates, and pointed out that Councilmember Hardy was deposed in court for her knowledge of the program as a past Cape Ann homeowner. He suggested that she act responsibly and assist the Council in fixing a flawed program, and also requested that the City allow the property owner to recover fees for property upgrades. (00:28:10)

Steve Fought, 25-year Huntington Beach resident now residing in Cape Ann, voiced concerns about the City instituting a new formula that establishes resale value by interest rates, not the general real estate market. He also voiced concerns about not being compensated for upgrades under current program parameters, making it impossible to build equity. He concluded by requesting that the program be fixed and made understandable to all involved, stating affordable programs should be designed to help low, middle and moderate income residents. (00:30:45)

Mimi Des Forges, Huntington Beach homeowner, voiced concerns about residential density related to the proposed Rip Curl project, stating her opinion that the developer doesn't have best interests of surrounding residents in mind. She discussed how maximized profits jeopardize quality of life, and how the three proposed projects in the immediate area set a negative precedence, urging Council to enforce regulations on density and proper public notification to surrounding neighbors. (00:33:35)

Councilmember Hardy stated that the proposed Rip Curl project will be presented to Council via public hearing on November 10, and questioned if the project has an interested party list. Staff indicated that the speaker could fill out a blue card to be included in public notification on the project.

Councilmember Hansen also informed speakers about the Beach and Edinger Corridor Specific Plan previously presented during tonight's Study Session, a project separate and apart from Rip Curl, but with some of the same concerns being discussed.

Mayor Cook stated that the Beach and Edinger Corridor Specific Plan Study Session Item will be broadcast on HBTv-3 and available for viewing through archived video online.

Pamela Allot, speaking on behalf of Citizens against the Rip Curl, voiced concerns related to the proposed project's inconsistent character, calling for greater setbacks, more open space, and buildings consistent with other structures in the surrounding area. She voiced support for projects tied to the Bella Terra and Murdy Commons, but opposes Rip Curl developing the Country Corner complex designed for small businesses, requesting Council consider staff report attachments 11.21 and 11.22 (Alternatives 1 and 2). (00:38:20)

Hannelor Palmer, Cape Ann resident, voiced concerns about the affordable housing program. She described unplanned circumstances that prompted her early retirement, and how she wasn't made aware of the inheritance restrictions that make it impossible to will her property to her daughter. She also is disturbed by the current resale formula tied to interest rates, not market value, stating it will not allow her to consider relocating to another state to be near her family. She urged Council to fix the program. (00:41:15)

Robert K. Sternberg requested that Council make a reasonable and responsible decision when considering action on the proposed Rip Curl project. He discussed his knowledge of the project's mixed-use transit district, density, zoning, and his opinion that the project's affordable housing requirement should be built 100% on site. He voiced concerns about parking and lack of open space, and requested that Council consider consistency with surrounding projects such as Bella Terra and Murdy Commons. (00:43:59)

David Harris voiced concerns about proposed projects for the north end of town, and how they will negatively affect the quality of life for residents there. He voiced opposition to the planned hyper density and voiced concerns related to parking, traffic impacts and additional strain on City services. He stated his opinion that the proposed developments offer little benefit to the residents surrounding the properties, and did not see any plans for parks or schools. He also voiced frustration with decisions being made after the City Council election on November 4, 2008. (00:46:55)

Naheed Aziz, business tenant in the Country Corner shopping center located at the Gothard Street and Center Avenue location, voiced concerns about the proposed Rip Curl project, indicating that she was not made aware that her business location may be in jeopardy. She discussed her financial efforts to repair her facility, advertise her business, and build clientele. She also stated worry that she will not be able to find another affordable location to run her business. (00:50:12)

Allen Baylis, City Council candidate, voiced concerns about the Council approving projects that do not have broad support by members of the public. He stated that Council needs to put community interests before personal interests and follow the wishes of their constituents. He identified himself as an alternative candidate to consider in the upcoming election. (00:51:42)

Councilmember Bohr questioned Mr. Baylis' idea of what constitutes a majority vote of the people, discussing how saying no to everything is easy, but saying yes is tough. Mr. Baylis stated his understanding for making tough decisions, but doesn't always agree with the process in which they are made. Councilmember Bohr stated the number of people who speak publically do not always reflect community opinion.

Andrew Nelson, Red Oak Investments, applicant for the proposed Rip Curl Project, renewed an invitation to the public to inform them of the new type of building being proposed, how they are proud of their design, and are prepared to make all concessions considered by Council. He also invited the public to visit similar projects by Red Oak Investments, and repeated a commitment to be available to individuals reaching out for information. (00:55:57)

COUNCIL COMMITTEE / APPOINTMENTS / LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

Mayor Pro Tem Bohr submitted a report that will be available for public inspection in the City Clerk's Office.

CITY ADMINISTRATOR'S REPORT - None.

CITY TREASURER'S REPORT

10. (City Council) Reviewed and Accepted Shari L. Freidenrich, City Treasurer's Investment Summary Report of City Investment Portfolio, Bond Proceeds, Deferred Compensation, and Retiree Medical Trust Activity for August 2008.

City Treasurer Freidenrich provided a PowerPoint presentation.

A motion was made by Coerper, second Carchio to review and accept the Monthly Investment Report. Following review of the report by motion of Council, accept the Monthly Investment Report for August 2008, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio.
NOES: None

CITY CLERK'S REPORT

11. Report from the Office of the City Clerk Containing Election Information and Deadlines.

City Clerk Joan Flynn identified the following deadlines related to the November 4, 2008 General Municipal and Presidential Election: Last day to register to vote, Monday, October 20, 2008 at midnight; Last day to register to vote by mail, Tuesday, October 28, 2008; Election Day voting poll hours, 7:00 AM to 8:00 PM. She also discussed early voting available on the lower level of City Hall beginning on Monday, October 20 through Friday, October 24, and on Monday, October 27 and Tuesday, October 28 between the hours of 8:00 AM and 5:00 PM, and provided contact information for the Orange County Registrar of Voters (ROV). Clerk Flynn also announced 137 individuals cast votes during today's early voting activity at City Hall.

PUBLIC HEARING

12. (City Council/Redevelopment Agency) CONTINUED TO NOVEMBER 3, 2008 WITH PUBLIC HEARING OPEN -- Joint Public Hearing of the Huntington Beach City Council and Redevelopment Agency for the Purpose of Considering Approval of the Sixth Implementation Agreement of the Disposition and Development Agreement (DDA) Between the Redevelopment Agency and CIM/Huntington LLC to Assist in the Development of a Boutique Hotel and Modify the Financing of the \$7.9 Million Loan Through Redevelopment Agency Tax Increment Revenue; Adopt Redevelopment Agency Resolution No. 374 and City Council Resolution No. 2008-64; and, Authorize the City Administrator/Executive Director or Designee to Execute Documents and Agreements Necessary.

Mayor Cook opened the public hearing.

A motion was made by Bohr, second Coerper to continue the public hearing open to a date certain of November 3, 2008. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio.
NOES: None

13. (City Council) CONTINUED TO NOVEMBER 3, 2008 WITH PUBLIC HEARING OPEN -- Appeal Made by the Old World Owners Association of the Planning Commission's Approval of Conditional Use Permit (CUP) 08-003 for the Installation of Four Parking Control Gates to Implement a Paid Parking Program at the Towers at Bella Terra; and, Entitlement Plan Amendment (EPA) 08-003, for the Amendment of CUP 05-015 (24-Hour Fitness) Which Relates to Physical Barriers in the Parking Structure and Parking Restrictions After 4:00 PM.

Mayor Cook opened the public hearing.

A motion was made by Bohr, second Coerper to continue the public hearing open to a date certain of November 3, 2008. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio.
NOES: None

CONSENT CALENDAR

14. (City Council/Redevelopment Agency) Approved and Adopted the Minutes of the City Council/Redevelopment Agency Regular Meeting of October 6, 2008 as written and on file in the Office of the City Clerk.

A motion was made by Green, second Carchio to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of October 6, 2008 as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio.
NOES: None

15. (City Council) Approved Request by the Planning Department to Amend the City Council Minutes Dated March 19, 2007.

A motion was made by Green, second Carchio to amend the City Council meeting minutes of March 19, 2007 by replacing the incorrect version of Findings for Denial on Mitigated Negative Declaration No. 00-07, Coastal Development Permit No. 00-13, and Conditional Use Permit No. 00-43 (Park Avenue Marina), with the correct version originally adopted by the City Council. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio.
NOES: None

16. (Redevelopment Agency) Approved the Third Implementation Agreement to the Disposition and Development Agreement (DDA) with Mayer Financial, L.P. Providing for the Phased Disposition and Development of the Waterfront Project Relating to the Timeframe for Development of Parcel C (the Land Located Between the Waterfront Hilton and the Hyatt Resort and Spa).

A motion was made by Green, second Carchio to Approve the "Third Implementation Agreement to Amended and Restated Disposition and Development Agreement" between the Redevelopment Agency of the City of Huntington Beach and Mayer Financial, L. P.; and, Authorize the Agency Chairman and the Agency Clerk to Execute the Third Implementation Agreement. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio.
NOES: None

ORDINANCES FOR INTRODUCTION

17. (City Council) Approved for Introduction Ordinance No. 3816 Amending Chapter 10.12 of the Huntington Beach Municipal Code (HBMC) Relating to Speed Limits.

A motion was made by Green, second Coerper to, after City Clerk reads by title, Approve for Introduction Ordinance No. 3816, "An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Residential Speed Limits." The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio.
NOES: None

COUNCILMEMBER ITEMS

18. (City Council) Approved a Submitted Request by Mayor Pro Tem Keith Bohr and Councilmember Don Hansen for a Two Year Extension of Alice's Breakfast in the Park Lease.

Mayor Pro Tem Bohr discussed why he brought forward a request to extend the lease agreement on Alice's Breakfast In the Park Restaurant, including his involvement in the Economic Development Committee, acknowledgment of a petition signed by close to 2,000 people, the passion expressed by speakers who support the business owner, the special circumstances behind the business owner's planned retirement, and simply to continue the good will the business has generated.

Councilmember Carchio stated his hopes that all who signed the petition would provide financial support to help keep the facility open for business. He also stated his opinion that the City was portrayed poorly by the press when it worked endlessly to assist the business owner in conforming to City standards. He commented how everyone wants the restaurant to remain open for business, and suggested that the press take time to investigate all the circumstances.

Councilmember Coerper asked the City Administrator to provide cost factors associated with bringing the facility up to City standards. Administrator Wilson deferred to Director of Economic Development Stanley Smalewitz who identified termite remediation at approximately \$1,200 per year, and possibly minor repairs. Councilmember Coerper asked how long the business owner has been working to make improvements, voicing concerns about setting precedence for other concessionaires' to come forward with similar requests. Mayor Pro Tem Bohr stated that approving the request does not constitute setting precedence. He referred to his request as approving a "finite" two-year lease, with a precedence that could be defended. He also discussed his knowledge of work to date with receipts presented by the business owner.

City Attorney Jennifer McGrath identified no legal impediment exists to offer the business owner a different lease term.

Councilmember Hansen stated that his support is predicated on an agreement for a two-year lease period to allow the business owner to continue her plans to retire successfully, and will not provide for any type of continuance or lease modifications in the future. He also discussed how planned development can continue during the two-year extension.

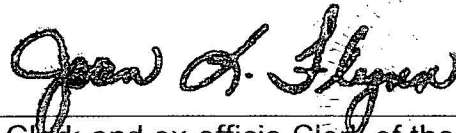
A motion was made by Bohr, second Hansen to direct the Economic Development Department to prepare a lease extension for Alice's Breakfast in the Park to expire in September 2010 and to continue with the current Request for Qualification process with the newly proposed timeframe. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green and Carchio.
NOES: None

COUNCILMEMBER COMMENTS (Not Agendized) - None.

ADJOURNMENT

Mayor Cook adjourned the regular meeting of the City Council/ Redevelopment Agency of the City of Huntington Beach at 7:45 PM. The next regularly scheduled meeting will take place on Monday, November 3, 2008, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:


City Clerk-Clerk
Mayor-Chair